



House of Representatives

General Assembly

File No. 238

January Session, 2011

Substitute House Bill No. 5802

House of Representatives, March 28, 2011

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) No person who
- 2 constructs or operates an electric generating facility shall use
- 3 flammable gas to clean or blow the gas piping of such facility.
- 4 (b) Any person applying to the Connecticut Siting Council for a
- 5 certificate to build a facility described in subdivision (3) of subsection
- 6 (a) of section 16-50i of the general statutes shall:
- 7 (1) Provide at least one special inspector to assist the municipal fire
- 8 marshal in providing plan review and to conduct inspections during
- 9 construction of the electric generating facility in order to ensure
- 10 compliance with the recommended standards; and
- 11 (2) Pay a fee to be used to assist in the training of local fire marshals
- 12 on the complex issues of electric generating facility construction. Said

13 fee shall be deposited in the Code Training Fund established in section
14 29-251c of the general statutes.

15 (c) The special inspector required under subsection (b) of this
16 section shall have the following duties:

17 (1) To assist the local fire marshal in reviewing and approving
18 methods for cleaning the interior of gas piping;

19 (2) To approve an appropriate safety plan for any nonflammable gas
20 blows conducted at the electric generating facility;

21 (3) To observe the actual cleaning procedure in order to assure
22 compliance with the approved methods for cleaning the interior of gas
23 piping; and

24 (4) To conduct inspections during construction of such facility in
25 order to ensure compliance with the approved methods and with the
26 provisions of this section.

27 (d) Any person designated as a special inspector for purposes of this
28 section shall:

29 (1) Be approved by the Connecticut Siting Council and not
30 otherwise employed or financially involved in the construction or
31 operation of the electric generating facility; and

32 (2) (A) Be a licensed professional mechanical engineer pursuant to
33 chapter 391 of the general statutes, or a person holding a commission
34 from the National Board of Pressure Vessel Inspectors and have
35 knowledge and field experience in electric generating facility
36 construction;

37 (B) Be commissioned by the American Society of Mechanical
38 Engineers; or

39 (C) Have equivalent experience working with the International
40 Code Council's International Mechanical Code and the American
41 Society of Mechanical Engineers' Process Piping Code, as determined

42 by the American Society of Mechanical Engineers.

43 (e) Any person who violates any provision of subsection (a) or (b) of
44 this section shall be fined not more than one thousand dollars or
45 imprisoned not more than six months or both for each offense.

46 Sec. 2. Subsection (h) of section 16-50j of the general statutes is
47 repealed and the following is substituted in lieu thereof (*Effective from*
48 *passage*):

49 (h) Prior to commencing any hearing pursuant to section 16-50m,
50 the council shall consult with and solicit written comments from (1) the
51 Department of Environmental Protection, the Department of Public
52 Health, the Council on Environmental Quality, the Department of
53 Agriculture, the Department of Public Utility Control, the Office of
54 Policy and Management, the Department of Economic and
55 Community Development and the Department of Transportation, and
56 (2) in a hearing pursuant to section 16-50m, for a facility described in
57 subdivision (3) of subsection (a) of section 16-50i, the Department of
58 Emergency Management and Homeland Security, the Department of
59 Public Safety, the Department of Consumer Protection and the
60 Department of Public Works and the Labor Department. In addition,
61 the Department of Environmental Protection shall have the continuing
62 responsibility to investigate and report to the council on all
63 applications which prior to October 1, 1973, were within the
64 jurisdiction of said Department of Environmental Protection with
65 respect to the granting of a permit. Copies of such comments shall be
66 made available to all parties prior to the commencement of the
67 hearing. Subsequent to the commencement of the hearing, said
68 departments and council may file additional written comments with
69 the council within such period of time as the council designates. All
70 such written comments shall be made part of the record provided by
71 section 16-50o. Said departments and council shall not enter any
72 contract or agreement with any party to the proceedings or hearings
73 described in this section or section 16-50p, that requires said
74 departments or council to withhold or retract comments, refrain from

75 participating in or withdraw from said proceedings or hearings.

76 Sec. 3. (NEW) (*Effective from passage*) At least once during the period
77 of construction of an electric generating facility in this state, the
78 Connecticut Siting Council and the Departments of Public Safety,
79 Emergency Management and Homeland Security, Consumer
80 Protection and Public Works, and the Labor Department shall conduct
81 a meeting to discuss and develop proposed resolutions for any known
82 or potential safety issue at such facility. The council and said
83 departments shall submit any such proposed resolutions to the special
84 inspector provided for such facility, as required pursuant to section 1
85 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	16-50j(h)
Sec. 3	<i>from passage</i>	New section

Statement of Legislative Commissioners:

In section 1 (d) (1), the word "physically" was changed to "employed" for clarity.

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than \$5,000	Less than \$5,000
Public Safety, Dept.	GF - Potential Revenue Gain	Indeterminate	Indeterminate

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Connecticut Siting Council (CSC) to meet with and receive comments from specified state agencies when considering applications to build power plants. This has no fiscal impact on the CSC or the other various agencies.

The bill establishes a fine of up to \$1,000 and/or imprisonment of no more than six months for the use of flammable gas to clean gas piping at a natural gas facility, which will result in a potential revenue gain of less than \$5,000 to the General Fund. The estimate assumes that the establishment of a fine and/or imprisonment for this offense will increase the likelihood that an estimated 10 offenders annually would be prosecuted and receive harsher penalties than under current law.¹

It is anticipated that the number of additional offenders placed on probation would be less than 10, and would not result in additional resources being required by the Judicial Department. An additional 10 offenders placed on adult probation would represent a 0.02% increase to the overall adult probation open supervision caseload.

¹ In 2010, zero convictions were made for this offense, as it was not specified in statute as a fine and/or term of imprisonment.

The bill also results in a revenue gain to the Code Training Fund under the Department of Public Safety. The actual revenue gain can not be determined because the bill does not specify a fee amount.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 5802*****AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF THE THOMAS COMMISSION.*****SUMMARY:**

This bill codifies Executive Order No. 45 (issued by Governor Rell), which prohibits anyone constructing or operating an electric generating facility (power plant) from using flammable gas to clean or blow the facility's gas piping. It requires anyone applying for the required Connecticut Siting Council certificate to build a power plant to (1) provide at least one special inspector to help the local fire marshal review and inspect the facility during construction and (2) pay a fee to help train local fire marshals in power plant construction issues.

The bill subjects to a fine of up to \$1,000, imprisonment for up to six months, or both, for each offense, anyone who (1) uses flammable gas to clean or blow a power plant's gas piping or (2) fails to provide the required special inspector or pay the fire marshal training fee.

The bill requires the Siting Council to meet with and solicit comments from specified state agencies when considering applications to build power plants. It requires that at least once during construction, the council and some of the agencies meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to the facility's special inspector.

EFFECTIVE DATE: Upon passage

SPECIAL INSPECTORS***Requirement to Provide***

The bill requires anyone applying to the Connecticut Siting Council

for a certificate to build an electric generation or storage facility to:

1. provide at least one special inspector to help the local fire marshal review plans and inspect the facility during construction to ensure compliance with recommended standards and
2. pay a fee to be used to help train local fire marshals on the complex issues of electric generating facility construction.

The bill does not specify the amount of the fee, which must be deposited in the “code training fund.” (By law, the fund contains revenue from fees assessed on building permit applications and is used to provide training and education programs for building and fire code officials and professionals in the building design and construction industry.)

Duties of Special Inspector

The special inspector must:

1. help the local fire marshal review and approve cleaning methods for interior gas piping;
2. approve an appropriate safety plan for nonflammable gas blows conducted at the facility;
3. observe cleaning procedures to ensure compliance with the approved methods for cleaning interior gas piping;
4. inspect the facility during construction to ensure compliance with the approved methods and with the bill.

Qualifications of Special Inspector for Electric Generating Facility

Anyone designated as a special inspector must:

1. be approved by the Siting Council and not be otherwise employed or financially involved in the facility’s construction or operation;

2. be licensed in Connecticut as a professional mechanical engineer or hold a commission from the National Board of Pressure Vessel Inspectors and have knowledge of and field experience in electric generating facility construction;
3. be commissioned by the American Society of Mechanical engineers; or
4. have equivalent experience working with the International Code Council's International Mechanical Code and the American Society of Mechanical Engineers' Process Piping Code, as determined by the American Society of Mechanical Engineers.

HEARINGS

Before commencing any hearing on an electric generating facility, the bill requires the Siting Council to consult with and solicit written comments from the Council on Environmental Quality; the Office of Policy and Management; and the departments of Agriculture, Consumer Protection, Economic and Community Development, Emergency Management and Homeland Security, Environmental Protection, Labor, Public Health, Public Works, Public Safety, Public Utility Control, and Transportation.

The bill requires that at least once during construction, the council and specified departments meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to special inspector. The departments are Emergency Management and Homeland Security, Public Safety, Consumer Protection, Public Works, and Labor.

BACKGROUND

Connecticut Siting Council

This council has exclusive jurisdiction over most power plants. The exceptions are

1. emergency generators and

2. a generation facility that is

- (a) owned and operated by a private power producer (certain non-utility generators),
- (b) a qualifying small power production facility or a qualifying cogeneration facility under the federal Public Utility Regulatory Policies Act (i.e. , a facility that uses renewable energy or simultaneously produces electricity and useful heat) or a facility the council determines to be primarily for a producer's own use, and
- (c) a renewable energy facility with a generating capacity of 1 MW or less or a cogeneration facility with a capacity of 25 MW or less (CGS § 16-50i(a)).

In most cases, a developer must obtain a certificate of environmental compatibility and public need from the council before beginning work on an electric generating facility (CGS § 16-50k(a)). But, the council must approve certain generating facilities by declaratory ruling, an alternative process. These include various generation facilities with a capacity of 65 MW or less.

Related Bill

HB 1142, reported by the Energy and Technology Committee, among other things:

- 1. makes DPUC responsible for coordinating safety programs related to the construction and operation of power plants,
- 2. bars the Siting Council from approving a gas-fired power plant unless it finds that the plant will not jeopardize nearby residents and property,
- 3. gives the Department of Public Utility Control (DPUC) responsibility for coordinating state safety programs that relate to the safe operation of power plants,

4. requires any state agency responsible for a program that relates to the safe operation of a power plant to coordinate its programs with DPUC, and
5. authorizes DPUC's gas pipeline safety unit to ensure that natural gas is used safely at any power plant that uses this fuel.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 24 Nay 0 (03/08/2011)